



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
KEITH KOTERO,)	
)	
Complainant,)	
)	Charge No.: 1999CF1653
and)	EEOC No.: 21B991016
)	ALS No.: 11096
LOGISTICS PERSONNEL CORP.,)	
)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On November 16, 1999, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Keith Kotero. That complaint alleged that Respondent, Logistics Personnel Corporation, discriminated against Complainant on the basis of his race when it discharged him.

This matter now comes on to be heard on my own motion, *sua sponte*, to dismiss the case for want of prosecution. From a review of the record file in this matter, it appears that Complainant has done nothing to prosecute his case since November of 2000.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. On November 27, 2000, Administrative Law Judge Sabrina

M. Patch entered an order scheduling a telephone status conference for December 13, 2000.

2. An attempt was made to contact Complainant for the December 13, 2000 telephone status conference. Unfortunately, Complainant had not supplied this office with a current telephone number.

3. On December 13, 2000, Administrative Law Judge Michael J. Evans entered an order that scheduled a telephone status conference for January 17, 2001. The order required Complainant to file a written appearance and provide a current telephone number before the status date or risk dismissal of his case.

4. The order of December 13, 2000 was served upon Complainant by mail.

5. Complainant has not filed any response to the order of December 13, 2000.

6. On January 22, 2001, Administrative Law Judge William H. Hall entered an order that gave Respondent leave to file a written motion to dismiss. That order was served upon both parties by mail.

7. Neither party has filed any response to Judge Hall's order.

CONCLUSIONS OF LAW

1. Complainant's failure to file an appearance or keep the Commission apprised of his current telephone number has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Complainant has not responded to an order that required him to file a written appearance with a current telephone number. Partly as a result of that failure to respond, this case has been dormant for over two years.

In the order entered on December 13, 2000, Complainant was warned that failure to comply could lead to dismissal of his case. That warning was disregarded.

For reasons unknown, it appears that Complainant has simply abandoned his claim in this forum. As a result, it is appropriate to dismiss the claim with prejudice. See **Leonard and Solid Matter, Inc.**, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

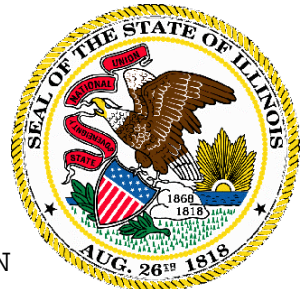
RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter. It appears that he has abandoned his claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION



ENTERED: November 5, 2003